

08-16-06

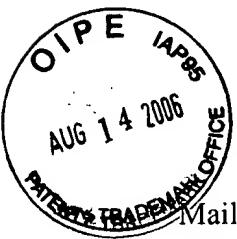
Express Mail No. EV 907 291 982 US

DACTO  
14

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Application of: Müller et al. Confirmation No.: 7123  
Serial No.: 09/764,366 Art Unit: 3624  
Filed: January 18, 2001 Examiner: Jagdish Patel  
For: METHOD AND SYSTEM FOR Attorney Docket No.: 060967-0014-US  
STORING AND PROCESSING  
HIGH-FREQUENCY DATA



COVER LETTER FOR RENEWED PETITION UNDER C.F.R. §1.181

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Please find attached hereto a Renewed Petition under 37 C.F.R. §1.181 and, in the Alternative, Petition to Revive an Unintentionally Abandoned Patent Application under 37 C.F.R. §1.137(b).

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

*Francis E. Morris*

Francis E. Morris, Esq.

Reg. No. 24,615

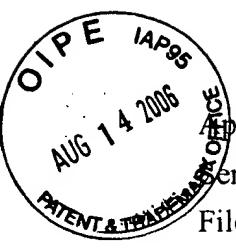
MORGAN, LEWIS & BOCKIUS LLP

Customer No. 09629

Telephone: (212) 309-6632

Dated: August 14, 2006

By:



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Müller et al. Confirmation No.: 7123  
 Serial No.: 09/764,366 Art Unit: 3624  
 Filed: January 18, 2001 Examiner: Jagdish Patel  
 For: METHOD AND SYSTEM FOR Attorney Docket No.: 060967-0014-US  
 STORING AND PROCESSING  
 HIGH-FREQUENCY DATA

**RENEWED PETITION UNDER 37 C.F.R. §1.181 AND, IN THE ALTERNATIVE,**  
**PETITION TO REVIVE AN UNINTENTIONALLY ABANDONED**  
**PATENT APPLICATION UNDER 37 C.F.R. §1.137(A)**

Mail Stop Petition  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Applicants hereby renew their petition under 37 C.F.R. §1.181 and, in the alternative, petition to revive an unintentionally abandoned patent application under 37 C.F.R. §1.137(b).

**A. Holding of Abandonment**

A non-final Office Action in this matter was mailed on March 25, 2005. The Office Action rejected various claims under 35 U.S.C. 101, 102, 103 and 112, second paragraph.

On Monday, September 26, 2005 a response was filed to this Office Action along with a petition for extension of time and authorization to charge the fee to the attorney's account. Copies of the Response and the Petition are enclosed. Also enclosed is a copy of a postcard receipt showing receipt by the Patent Office of an 11 page Amendment and a Petition for a Three Month Extension of Time. Pursuant to MPEP §503, the postcard receipt is prima facie evidence of receipt by the Patent Office of the items enumerated on the postcard.

Since the response was submitted within the statutory period for responding to the Office Action of March 25, 2005 and included a Petition for an Extension of Time, it is submitted that the Response was timely. Further, the Response addressed each of the grounds of rejection. The Response amended the claims as suggested by the Examiner to avoid the rejections under 35 U.S.C. 101. Further, the Response incorporated into claims 1 and 20 the limitations of claims 4

and 23, respectively, which had not been rejected on prior art grounds. Thus, the rejections under 35 U.S.C. 102 and 103 were obviated. Lastly, the Response amended the claims and addressed the 35 U.S.C. 112 issues at the bottom of page 10 and top of page 11. Thus, the Response is believed to have been complete and proper.

Although the Response was received by the Patent Office, a Notice of Abandonment was erroneously mailed on October 7, 2005. A copy of the Notice of Abandonment is attached. The reason given for abandonment is failure to receive a reply, which is incorrect in view of the postcard receipt showing timely receipt of the Response by the Patent Office on September 26, 2005.

Accordingly, it is respectfully submitted that there never was any abandonment of the present application.

#### B. Petition to Withdraw Holding of Abandonment

In similar circumstances with other applications in the past, applicants' attorney has simply resubmitted the response and a copy of the postcard receipt and the abandonment was rescinded and the application returned to the Examiner for further prosecution. In the present circumstances, applicants' attorney was advised to file a Petition Under 37 C.F.R. §1.181 to Withdraw Holding of Abandonment.

On March 17, 2006, Applicant filed a Petition Under 37 C.F.R. §1.181 to Withdraw Holding of Abandonment. That Petition to Withdraw was denied in a Decision on Petition mailed on June 12, 2006. Petitioner was invited to consider filing a Petition to Revive under 37 C.F.R. §1.137.

#### C. Request for Reconsideration

This request for reconsideration is timely since it is being filed within two months of mailing of the Decision on June 12, 2006 (August 12, 2006 being a Saturday).

The Decision on Petition of June 12, 2006 does not state the specific reason for rejecting the Petition. At pages 4 through 6 of the Decision, the Decision quotes extensively from the commentary at MPEP §711.03(c) on B. Petition to Withdraw Holding of Abandonment on Evidence That a Reply Was Timely Mailed or Filed (MPEP page 700-169 (August 2005

Revision)). Portions of this commentary relating to practice with respect to certificates of mailing are underlined, leading applicants' attorney to believe that his failure to provide a certificate of mailing may be part of the basis of the Decision.

However, the pertinent portion of this commentary is the paragraph that addresses the procedures to be followed when applicants have a postcard receipt for their filed reply. As noted above, applicants have a postcard receipt dated September 26, 2006, a copy of which is attached, that indicates receipt by the Patent Office of an 11 page Amendment and Petition for Three Month Extension of Time on that date. Under these circumstances, the second paragraph of the text quoted at pages 4-6 of the Decision provide for withdrawal of the holding of abandonment: “. . . if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment.” Since applicants' postcard receipt for the Amendment filed on September 26, 2005 appears to have been overlooked in the Decision of June 12, 2006, reconsideration is respectfully requested.

The Decision on Petition also asserted that Petitioner had not satisfied the burdens set forth in Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971). However, Delgar is not believed to be apposite since it dealt with a petition to revive an application where an issue fee had not been paid and did not involve a situation such as in the present case where a Response had been received by the Patent Office.

Applicants' Petition to Withdraw Holding of Abandonment was also rejected as untimely under 37 C.F.R. §1.181(f). Reconsideration of the Decision on this ground is also respectfully requested. MPEP §711.03(c). C. Treatment of Untimely Petition to Withdraw Holding of Abandonment (MPEP pages 700-169 to 171 (August 2005 Revision)) provides an alternative to dismissing a petition as untimely. In particular, it provides for filing a terminal disclaimer as a condition for granting an untimely petition to withdraw the holding of abandonment. Further, in the case of utility applications filed on or after May 29, 2000, the MPEP provides that “a terminal disclaimer should not be required as a condition of granting an untimely petition to

withdraw the holding of abandonment" (emphasis in original). Thus, the conditions for grant of applicants' Petition to Withdraw Holding of Abandonment are believed to have been satisfied.

For the foregoing reasons, reconsideration and grant of applicants' Petition to Withdraw Holding of Abandonment are respectfully requested.

No fee is believed to be due for filing this Request for Reconsideration. If, however, a fee is due, please charge the fee to Deposit Account No. 50-0310.

**D. Petition to Revive Unintentionally Abandoned Application**

If the Request for Reconsideration is not granted, applicants request that this Petition be treated as a Petition to Revive an Unintentionally Abandoned Patent Application under 37 C.F.R. 1.137(b).

As noted above, the Response to the Office Action of March 25, 2005 is enclosed herewith.

**The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. 1.137(b) was unintentional.**

A terminal disclaimer is not required since this application was filed after June 8, 1995.

Since the foregoing is believed to satisfy the requirements of 37 C.F.R. §1.137(b), Applicants respectfully request that this alternative Petition to Revive an Unintentionally Abandoned Application be granted.

The fee for this Petition to Revive An Unintentionally Abandoned Application is estimated to be \$750.00 under 37 C.F.R. 1.17(m). If the Request for Reconsideration is not granted, please charge this amount, and any other fees that may be required with this Petition to Revive, including any applicable extension fees, to Deposit Account No. 50-0310.

A copy of this document is enclosed for accounting purposes.

If a phone conference would be helpful in resolving any outstanding issues, please call the undersigned at 212-309-6632.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Francis E Morris

By:

Francis E. Morris, Esq.

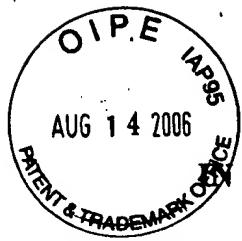
Reg. No. 24,615

MORGAN, LEWIS & BOCKIUS LLP

Customer No. 09629

Telephone: (212) 309-6632

Dated: August 14, 2006



Express Mail No.: EV 797 296 591 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Müller, et al.

Confirmation No.: 7123

Serial No. 09/764,366

Art Unit: 3624

Filing Date: January 18, 2001

Examiner: Jagdish Patel

*Title:* METHOD FOR MARKET MAKING Attorney Docket No: 060967-0014

**AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Please amend the above-identified application as set forth on the following pages:

**IN THE CLAIMS**

1. (Currently amended) A method performed by a computer of market making in an asset trading system, comprising the steps of.

- (a) receiving asset price data;
- (b) receiving current system position information;
- (c) receiving quote request information;
- (d) ~~storing said received asset price data, said received current system position information, and said received quote request information in a computer readable medium;~~
- (e)(d) calculating target position information for each of one or more trading models;  
and
- (f) ~~storing said calculated target position information in a computer readable medium; and~~
- (g)(e) calculating a bid/ask quote in response to said received quote request information, said calculation of a bid/ask quote using a hedging method and being based on said asset price data, said quote request information, said current system position information, and said target position information.

2. (Original) A method as in claim 1, wherein each of said one or more trading models comprises:

- (a) a price collector component;
- (b) a price filter component;

- (c) a price database component;
- (d) a gearing calculator component;
- (e) a deal acceptor component;
- (f) an opportunity catcher component; and
- (g) a book-keeper component.

3. (Currently amended) A method as in claim 1, wherein said calculation of a bid/ask quote is also based on a weighted sum of positions target position information of said trading models.

4. (Cancelled)

5. (Currently amended) A method as in claim [[4]] 1, wherein said asset is a currency, and wherein said hedging method comprises the step of calculating a weighted sum of said trading model positions.

6. (Currently amended) A method as in claim [[4]] 1, wherein said asset is a currency, and wherein said hedging method comprises the step of calculating a total exposure from said trading model positions.

7. (Currently amended) A method as in claim [[4]] 1, wherein said asset is a currency, and wherein said hedging method comprises the step of calculating a total amount of home currency appearing in all open positions.

8. (Currently amended) A method as in claim [[4]] 1, wherein said asset is a currency, and wherein said hedging method comprises the step of calculating an out-of-equilibrium exposure.

9. (Currently amended) A method as in claim [[4]] 1, wherein said asset is a currency, and wherein said hedging method comprises the step of calculating a new potential net exposure.

10. (Currently amended) A method as in claim [[4]] 1, wherein said asset is a currency, and wherein said hedging method comprises the step of calculating an equilibrium position.

11. (Currently amended) A method as in claim [[4]] 1, wherein said asset is a currency, and wherein said hedging method comprises the step of calculating boundaries of possible exposures.

12. (Currently amended) A method as in claim [[4]] 1, wherein said asset is a currency, and wherein said hedging method comprises the step of calculating values for a pair of quoting functions.

13. (Original) A method as in claim 12, wherein said quoting functions are odd polynomial functions.

14. (Original) A method as in claim 12, wherein said quoting functions are tangent functions.

15. (Original) A method as in claim 12, wherein said quoting functions are stepwise linear functions.

16. (Original) A method as in claim 12, wherein said quoting functions are inverse sigmoid functions.

17. (Original) A method as in claim 12, wherein said quoting functions are combinations of odd polynomial functions, tangent functions, stepwise linear functions, and inverse sigmoid functions, and wherein said combinations may comprise less than all four types of functions.

18. (Currently amended) A method as in claim [[4]] 1, wherein said asset is a currency, and wherein said hedging method comprises the step of calculating an average price and an average spread.

19. (Currently amended) A method as in claim [[4]] 1, wherein said asset is a currency, and wherein said hedging method comprises the steps of:

- (a) calculating a weighted sum of said trading model positions;
- (b) calculating a total exposure from said trading model positions;
- (c) calculating a total amount of home currency appearing in all open positions;
- (d) calculating an out-of-equilibrium exposure;
- (e) calculating a new potential net exposure;
- (f) calculating an equilibrium position;
- (g) calculating boundaries of possible exposures;
- (h) calculating values for a pair of quoting functions; and
- (i) calculating an average price and an average spread.

20. (Currently amended) ~~Computer software, stored in a~~ A computer-readable medium, ~~for market making in an asset trading system, comprising software having computer code executable by a computer for:~~

- (a) receiving asset price data;
- (b) receiving current system position information;
- (c) receiving quote request information;
- (d) ~~storing said received asset price data, said received current system position information, and said received quote request information in a computer readable medium;~~

(e) (d) calculating target position information for each of one or more trading models;

and

(f) ~~— storing said calculated target position information in a computer-readable medium; and~~

(g) (e) calculating a bid/ask quote in response to said received quote request information, said calculation of a bid/ask quote using a hedging method and being based on said asset price data, said quote request information, said current system position information, and said target position information.

21. (Currently amended) ~~Computer software~~ The computer-readable medium as in claim 20, wherein each of said one or more trading models comprises:

- (a) a price collector component;
- (b) a price filter component;
- (c) a price database component;
- (d) a gearing calculator component;
- (e) a deal acceptor component;
- (f) an opportunity catcher component; and
- (g) a book-keeper component.

22. (Currently amended) ~~Computer software~~ The computer-readable medium as in claim 20, wherein said calculation of a bid/ask quote is also based on a weighted sum of positions the target position information of said trading models.

23. (Cancelled)

24. (Currently amended) ~~Computer software~~ The computer-readable medium as in claim [[23]] 20, wherein said asset is a currency, and wherein said hedging method comprises the step of calculating a weighted sum of said trading model positions.
25. (Currently amended) ~~Computer software~~ The computer-readable medium as in claim [[23]] 20, wherein said asset is a currency, and wherein said hedging method comprises the step of calculating a total exposure from said trading model positions.
26. (Currently amended) ~~Computer software~~ The computer-readable medium as in claim [[23]] 20, wherein said asset is a currency, and wherein said hedging method comprises the step of calculating a total amount of home currency appearing in all open positions.
27. (Currently amended) ~~Computer software~~ The computer-readable medium as in claim [[23]] 20, wherein said asset is a currency, and wherein said hedging method comprises the step of calculating an out-of-equilibrium exposure.
28. (Currently amended) ~~Computer software~~ The computer-readable medium as in claim [[23]] 20, wherein said asset is a currency, and wherein said hedging method comprises the step of calculating a new potential net exposure.
29. (Currently amended) ~~Computer software~~ The computer-readable medium as in claim [[23]] 20, wherein said asset is a currency, and wherein said hedging method comprises the step of calculating an equilibrium position.
30. (Currently amended) ~~Computer software~~ The computer-readable medium as in claim [[23]] 20, wherein said asset is a currency, and wherein said hedging method comprises the step of calculating boundaries of possible exposures.

31. (Currently amended) ~~Computer software~~ The computer-readable medium as in claim [[23]] 20, wherein said asset is a currency, and wherein said hedging method comprises the step of calculating values for a pair of quoting functions.
32. (Currently amended) ~~Computer software~~ The computer-readable medium as in claim 31, wherein said quoting functions are odd polynomial functions.
33. (Currently amended) ~~Computer software~~ The computer-readable medium as in claim 31, wherein said quoting functions are tangent functions.
34. (Currently amended) ~~Computer software~~ The computer-readable medium as in claim 31, wherein said quoting functions are stepwise linear functions.
35. (Currently amended) ~~Computer software~~ The computer-readable medium as in claim 31, wherein said quoting functions are inverse sigmoid functions.
36. (Currently amended) ~~Computer software~~ The computer-readable medium as in claim 31, wherein said quoting functions are combinations of odd polynomial functions, tangent functions, stepwise linear functions, and inverse sigmoid functions, and wherein said combinations may comprise less than all four types of functions.
37. (Currently amended) ~~Computer software~~ The computer-readable medium as in claim [[23]] 20, wherein said asset is a currency, and wherein said hedging method comprises the step of calculating an average price and an average spread.
38. (Currently amended) ~~Computer software~~ The computer-readable medium as in claim [[23]] 20, wherein said asset is a currency, and wherein said hedging method comprises the steps of.
- (a) calculating a weighted sum of said trading model positions;

- (b) calculating a total exposure from said trading model positions;
- (c) calculating a total amount of home currency appearing in all open positions;
- (d) calculating an out-of-equilibrium exposure;
- (e) calculating a new potential net exposure;
- (f) calculating an equilibrium position;
- (g) calculating boundaries of possible exposures;
- (h) calculating values for a pair of quoting functions; and
- (i) calculating an average price and an average spread.

## REMARKS

In the Office Action of March 25, 2005, claims 1-38 were rejected under 35 U.S.C. 101 because they were deemed to be directed to non-statutory subject matter. Claims 1-38 were also rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Further, claims 1, 2, 20 and 21 were rejected as anticipated by Rikard et al. (U.S. Patent No. 6,016,483); and claims 3 and 22 were rejected under 35 U.S.C. 103(a) as unpatentable over Rikard and Official Notice of the use of weighted sums in trading models.

The Examiner indicated that the rejection of claims 1-19 under 35 U.S.C. 101 could be overcome by reciting that the steps of these claims are performed by a server or processor. Accordingly, claim 1 has been amended to recite "A method performed by a computer . . . "

The Examiner indicated that the rejection of claims 20-38 under 35 U.S.C. 101 could be overcome by replacing the recitation of computer software with language such as "as computer-readable medium having stored instructions or computer code executable by a computer performing the process steps." Accordingly, claim 20 has been amended to recite "A computer-readable medium having computer code executable by a computer for . . . "

With respect to the rejections of the claims under 35 U.S.C. 112, claims 1 and 20 have been amended to delete the recitation of the storing steps at paragraphs (d) and (f).

The Examiner's objection to applicants' recitation of "each of one or more trading models" is not understood. This language is intended to be the initial recitation of "trading models." If the Examiner prefers, applicant is willing to change the language "for each of one or more trading models" to "for a trading model."

Claim 3 has been amended to refer to "target position information" which has antecedent basis in claim 1.

With respect to the alleged contradiction between claims 3 and 4, on the one hand, and

claim 1 on the other, it is respectfully submitted that the list of elements used in the calculation recited in the last paragraph of claim 1 is not intended to be a complete listing and no language indicative of a complete listing (such as "consisting of") has been used in the last paragraph of claim 1. In the case of the recitation of the "hedging method" in claim 4, this is no longer an issue since the hedging method language has been incorporated into claim 1. In the case of the use of weighted sums as recited in claim 3, claim 3 has been amended to indicate more clearly that such use is in addition to the elements recited in claim 1 and does not contradict the recitation of claim 1.

With respect to the rejection of claims 1-3 and 20-22 on §102 or §103 grounds, the limitations of claims 4 and 23 which were not rejected on prior art have been incorporated into claims 1 and 20. Accordingly, amended claims 1 and 20 are believed patentable over the references cited. Likewise, dependent claims 2, 3, 5-19, 21, 22 and 24-38 are believed patentable.

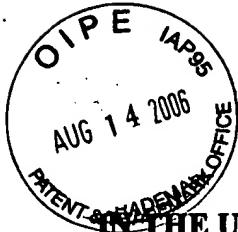
Aside from the fee for an extension of time, no additional fee is believed to be due for filing this response. However, if a fee is due, please charge such fee to Morgan, Lewis & Bockius LLP Deposit Account No. 50-0310.

If the Examiner believes a telephone interview would expedite prosecution of this application, he is invited to call applicant's attorney at the number given below.

Respectfully submitted,

Date: September 26, 2005

*Francis E Morris* Francis E. Morris 24,615  
(Reg. No.)  
Morgan, Lewis & Bockius LLP  
101 Park Avenue  
New York, NY 10178  
(212) 309-6632



Express Mail No.: EV 797 296 591 US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Müller, et al.	Confirmation No.:	7123
Serial No. 09/764,366	Art Unit:	3624
Filing Date: January 18, 2001	Examiner:	Jagdish Patel
Title: METHOD FOR MARKET MAKING	Attorney Docket No.:	060967-0014

**MAIL STOP AMENDMENT**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION FOR THREE-MONTH EXTENSION OF TIME TO RESPOND TO**  
**OFFICE ACTION MAILED MARCH 25, 2005**

Sir:

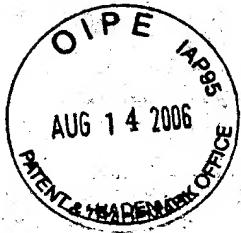
Applicant hereby petitions for a three-month extension of time to respond to the Office Action mailed March 25, 2005, thus extending the due date for filing the enclosed Amendment from June 25, 2005 to September 26, 2005 (September 25, 2005 being a Sunday). The fee for this extension is estimated to be \$510.00.

The Commissioner is hereby authorized to charge Morgan, Lewis & Bockius LLP Deposit Account No. 50-0310 for all required fees for this reply and any further reply requiring a petition for extension of time for its timely submission. A copy of this sheet is enclosed for such purpose.

Respectfully submitted,

Date: September 26, 2005

Francis E. Morris, Esq.  
Registration No. 24,615  
MORGAN, LEWIS & BOCKIUS LLP  
Customer No. 009629  
(212) 309-6632



NO VA 220

**ATTENTION: MAIL STOP AMENDMENT**

**PLEASE STAMP AND RETURN TO SHOW RECEIPE: 2005 PM 7 L**



Express Mail No.	<b>EV 797 296 591 US</b>	Date Mailed:	September 26, 2005
Serial No.	<b>09/764,366</b>	Confirmation No.	7123
Inventor:	Müller et al.	Filed:	January 18, 2001
<b>Entitled: METHOD FOR MARKET MAKING</b>			
Enclosed:			
<ol style="list-style-type: none"><li>1. Petition for Three-Month Extension of Time to Respond to Office Action mailed March 25, 2005, 2 pages (original + <del>copy</del>)</li><li>2. Amendment, 11 pages</li><li>3. Change of Correspondence Address and Change of Attorney Docket Number, 1 page</li><li>4. Return postcard</li></ol>			
Attorney: Francis E. Morris/15105		Docket No.	060967-0014 (formerly 10366-0014)



**BEST AVAILABLE COPY**

**DOCKETED**  
By \_\_\_\_\_ Date \_\_\_\_\_

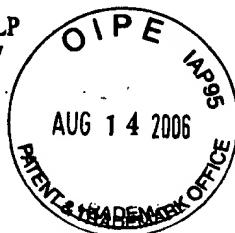


# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,366	01/18/2001	Ulrich A. Muller	060967-0014	7123

9629 7590 10/07/2005  
MORGAN LEWIS & BOCKIUS LLP  
1111 PENNSYLVANIA AVENUE NW  
WASHINGTON, DC 20004



EXAMINER	
PATEL, JAGDISH	
ART UNIT	PAPER NUMBER
3624	

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



Notice of Abandonment	Application No.	Applicant(s)
	09/764,366	MULLER ET AL.
	Examiner	Art Unit
	JAGDISH PATEL	3624

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address—

This application is abandoned in view of:

1.  Applicant's failure to timely file a proper reply to the Office letter mailed on 25 March 2005.
  - (a)  A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b)  A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c)  A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d)  No reply has been received.
2.  Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a)  The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b)  The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c)  The issue fee and publication fee, if applicable, has not been received.
3.  Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a)  Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b)  No corrected drawings have been received.
4.  The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5.  The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6.  The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7.  The reason(s) below:

JAGDISH N. PATEL  
PRIMARY EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.